

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Final Office Action mailed March 7, 2007 rejected claims 1-20. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-22 are pending. More specifically, claims 1, 3-5, 7-9, 11, 13, 15, 16, 19, and 20 are amended and claims 21 and 22 are added. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1 and 13 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Claims 1-3, 5, 6, 8-14, and 17-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039). Claims 4, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). These rejections are respectfully traversed and/or rendered moot.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Shedrick spent with Applicant's representative Benjie Balser during a July 25, 2007 telephone discussion regarding the above-identified Office Action. During the interview,

various features described in the patent application and recited in the independent claims, including allowing transmissions during the reservation offset interval, and *Giles* were discussed, and that the outcome of this discussion is addressed herein.

Applicants believe that the amendments presented herein are consistent with the suggestions and/or overall discussion with Examiner Shedrick. Thus, Applicant respectfully requests that Examiner Shedrick carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §112

The Office Action rejects claim 1 under 35 U.S.C. §112, Second Paragraph as allegedly being indefinite. In an effort to address the Examiner's concerns, claim 1 has been amended to recite "a second reservation duration time interval during which the first shared-communications channel..." In view of this amendment, Applicant respectfully submits that the rejection of claim 1 should be withdrawn.

The Office Action rejects claim 13 under 35 U.S.C. §112, Second Paragraph as allegedly being indefinite. In an effort to address the Examiner's concerns, claim 13 has been amended to recite "a combination of the first shared-communications channel and the second shared-communications channel..." In view of this amendment, Applicant respectfully submits that the rejection of claim 13 should be withdrawn.

IV. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-12

The Office Action rejects claims 1-3, 5, 6, and 8-12 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039). The Office Action rejects claims 4 and 7 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). For at least the reasons set forth below, Applicant respectfully traverses the rejection where not rendered moot by amendment.

Independent claim 1, as amended, recites:

1. An apparatus comprising:
 - a receiver for receiving a first message over a first shared-communications channel, wherein said first message comprises:
 - (i) a notification that said first shared-communications channel has been reserved, and
 - (ii) one or more values that define in time
 - (a) **a first reservation offset time interval** upon the conclusion of which a first signal is transmitted over a combination of the first shared-communications channel and a second shared-communications channel, and **during which the first and second shared-communications channels may be used;** and
 - (b) a second reservation duration time interval during which a first shared-communications channel and the second shared-communications channel are reserved, and upon the conclusion of which the transmission of the first signal over the combination of said first shared-communications channel and said second shared-communications channel is ended, wherein said second time interval is after said first time interval.

(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that the amendments to claim 1 have rendered the rejection moot. Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Giles* and *Katinakis* does not disclose, teach, or suggest at least **a first reservation offset time interval during which the first and second shared-communications channels may be used**. Even if, assuming for the sake of argument, *Giles* discloses a key-up time, transmissions in *Giles* are not allowed during the key up time. *Giles* fails to disclose a first reservation offset time interval during which the first and second shared-communications channels may be used for transmissions. *Katinakis* fails to cure this deficiency. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-12 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-12 contain all the features of independent claim 1. See *Minnesota Mining and*

Manufacturing Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002)
Jeneric/Pentron, Inc. v. Dillon Co., 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000);
Wahpeton Canvas Co. v. Frontier Inc., 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-12 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 4 and 7, *Li* does not make up for the deficiencies of *Giles* and *Katinakis* noted above. Therefore, claims 4 and 7 are considered patentable over any combination of these documents for at least the reason that claims 4 and 7 incorporate allowable features of claim 1 as set forth above.

B. Claims 13-20

The Office Action rejects claims 13-14 and 17-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039). The Office Action rejects claims 15 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al.* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al.* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). For at least the reasons set forth below, Applicant respectfully traverses the rejection where not rendered moot by amendment.

Independent claim 13, as amended, recites:

13. A method comprising:
 - (a) receiving a first message over a first shared-communications channel, wherein said first message comprises:
 - (i) a notification that said first shared-communications channel

- has been reserved,
- (ii) a first reservation offset time interval and a second reservation duration time interval, and
- (b) reserving a first shared-communications channel and a second shared-communications channel defined in time by
 - (i) ***the first time interval***, upon the conclusion of which a first signal is transmitted over a combination of the first shared-communications channel and the second shared-communications channel, and ***during which the first and second shared-communications channels may be used***; and
 - (ii) the second time interval upon the conclusion of which the transmission of the first signal over the combination of said first shared-communications channel and said second shared-communications channel is ended, wherein said second time interval is after said first time interval.

(Emphasis added).

Applicant respectfully submits that claim 13 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that the amendments to claim 13 have rendered the rejection moot. Applicant respectfully submits that independent claim 13 is allowable for at least the reason that the combination of *Giles* and *Katinakis* does not disclose, teach, or suggest at least **the first time interval during which the first and second shared-communications channels may be used**. Even if, assuming for the sake of argument, *Giles* discloses a key-up time, transmissions in *Giles* are not allowed during the key up time. *Giles* fails to disclose the first time interval during which the first and second shared-communications channels may be used for transmissions. *Katinakis* fails to cure this deficiency. As the cited combination of references does not disclose,

teach, or suggest, either implicitly or explicitly, all the elements of claim 13, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 13 is allowable over the cited references of record, dependent claims 14-20 (which depend from independent claim 13) are allowable as a matter of law for at least the reason that dependent claims 14-20 contain all the features of independent claim 13. Therefore, the rejection to claims 14-20 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 15 and 16, *Li* does not make up for the deficiencies of *Giles* and *Katinakis* noted above. Therefore, claims 15 and 16 are considered patentable over any combination of these documents for at least the reason that claims 15 and 16 incorporate allowable features of claim 13 as set forth above.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 50-0835.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500